

ERIE COUNTY SEWER DISTRICT NO. 3
BOARD OF MANAGERS MEETING
WEDNESDAY JUNE 17, 2015
SOUTHTOWNS TREATMENT PLANT CONFERENCE ROOM

MEMBERS PRESENT: Chairman John Mills, David Kaczor, Michael Kasprzyk, David Millar, Glenn Nellis (8:04 a.m.), David Rood, Karl Simmeth, Don Witkowski

MEMBERS ABSENT: None

OTHERS PRESENT: Glenn Absolom, Steve Canestrari, Joe Fiegl, Kevin Kaminski, Jill Krafft

ITEM NO. 1 – CALL MEETING TO ORDER

Chairman Mills called the meeting to order at 8:00 a.m.

a. Resignation of Mr. Kapsiak

The Board recognized Mr. Kapsiak's many years of service and valuable contributions to the Erie County Sewer District No. 3 (ECSD No. 3) Board of Managers (Board) and its rate payers. Mr. Kapsiak has retired from his position as Town Engineer for the Town of Hamburg and, consequently, has submitted his resignation to the Board. Mr. Fiegl noted that he will contact Supervisor Steven Walters for an appointment recommendation to replace Mr. Kapsiak; however, it may be prudent to wait as all Board appointments expire at the end of the year.

On a motion by Mr. Kaczor, seconded by Mr. Kasprzyk, the Board voted to accept the resignation of Mr. Kapsiak. The motion carried, 7 – 0.

ITEM NO. 2 – APPROVAL OF APRIL 15, 2015 MEETING MINUTES

On a motion by Mr. Rood, seconded by Mr. Kasprzyk, the Board voted to approve the minutes from the April 15, 2015 meeting. The motion carried, 7 – 0.

ITEM NO. 3 – ITEMS FROM THE PUBLIC

None

ITEM NO. 4 – NEW BUSINESS

a. Payments (Handout)

The Board reviewed the payment handout for the month of June. On a motion by Mr. Kasprzyk, seconded by Mr. Millar, the Board voted to approve the June 2015 payments. The motion carried, 7 – 0.

b. I&I Approval for Compliance Hearing (Handout)

Item
2a)

The Board reviewed copies of final violation notices from the Division of Sewerage Management (DSM) to several property owners in ECSD No. 3. Written requests were mailed to each resident on several occasions, without response, to complete a house inspection as part of the DSM's Inflow/Infiltration (I&I) inspection program. As a result, these residents have been referred to the Board to be considered for a hearing with the DSM's hearing officer who will evaluate violations of the Rules and Regulations and recommend a follow up action.

Mr. Millar noted that the DSM's authority to enter properties within the District, for the purpose of completing inspections, comes from Section 1001 of the "Rules and Regulations for Erie County Sewer Districts" which has been adopted by the Erie County Legislature under the authority of New York State County Law.

On a motion by Mr. Millar, seconded by Mr. Simmeth, the Board voted to approve the referrals for a Compliance Hearing. The motion carried, 8 – 0.

c. Confirmation of Phone Poll – Award of Sewer Sludge Incinerators Contract (Handout)

The Board considered confirmation of the May 4, 2015 telephone/email poll approving award of the General and Electrical Contracts for work to complete the Sewer Sludge Incinerator Emissions Upgrade Project here at the Southtowns Advanced Wastewater Treatment Facility (AWTF). The lowest responsible bidder for the General Contract, Contract 54 STP-A, was Hohl Industrial Services, Inc. (Hohl) in the amount of \$483,000.00. Hohl's bid was approximately 5% lower than the engineer's estimate and within 6% of the next lowest bidder. Hohl has worked for the County in the past and has proven to be capable of completing the project. The lowest responsible bidder for Contract 54 STP-D, Electrical Contract, was CIR Electrical Construction Corp. (CIR) in the amount of \$137,700.00. CIR's bid was approximately 34% lower than the engineer's estimate and within 7% of the next lowest bidder. CIR has also worked for the County in the past and is capable of completing the project. The DSM and the engineer for the project, GHD Consulting Services, Inc. recommend award of these contracts.

Chairman Mills questioned whether or not an increase in change orders is anticipated as bid amounts for this project appear to be low. Mr. Millar replied that the DSM does not anticipate change orders at the time projects are bid, but they are necessary on occasion to account for unexpected and unforeseen conditions.

On a motion by Mr. Kasprzyk, seconded by Mr. Kaczor, the Board voted to confirm the May 4, 2015 poll approving award of Contract 54 STP-A to Hohl Industrial Services, Inc. in the amount of \$483,000.00 and Contract 54 STP-D to CIR Electrical Construction Corp. in the amount of \$137,700.00. The motion carried, 8 – 0.

d. Request for Sewer Permit Refund (Handout)

The Board reviewed a request to refund a duplicate permit fee for the property at 7415 Jewett Holmwood Rd. in Orchard Park. On October 24, 2014 the owner of the property obtained a permit from the DSM using an incorrect SBL number. On April 20, 2015, the owner's builder also obtained a permit from the DSM for the same property using a different, but correct, SBL number. The proposed refund would be in the amount of \$452.00 which represents the original fee of \$502.00 less a \$50.00 administration fee.

On a motion by Mr. Kaczor, seconded by Mr. Nellis, the Board voted to approve the Permit Refund. The motion carried, 8 – 0.

e. Bond Resolution – Extension of Bond Authorization (Handout)

The Board reviewed a request to approve a Resolution, prepared by the County's Bond Council, Barclay Damon, to extend Authorization for ECSD No. 3 Bond Account C.00062 that expired in March 2015. The intended use for Bond Account C.00062 is to fund projects at the Southtowns AWTF, as well as collection system and pump station rehabilitation projects. The remaining unused balance in the account is \$5,655,912.00 and the Resolution will extend the Authorization for an additional ten years. The amount of Bond Account C.00062 will not be modified in any way.

On a motion by Mr. Rood, seconded by Mr. Witkowski, the Board voted to approve a resolution, prepared by Barclay Damon, to extend authorization for bond account C.00062. The motion carried, 8 – 0.

ITEM NO. 5 – OLD BUSINESS

a. Steuben Foods Update/Elma Forcemain Agreement

Mr. Fiegl reported that the County is close to finalizing the Agreement with Steuben Foods, Inc. for repayment of engineering and construction costs associated with the Elma Pumping Station Project. He also noted that contracts for construction of that project were being executed.

Mr. Fiegl informed the Board that over the course of the last few years there has been an issue with scale depositing on surfaces of equipment and piping at the Elma Pumping Station and forcemain, as well as the downstream Milestrip Pumping Station. The scale is formed by a reaction between wastewater and a chemical added by Steuben to control odor. Scale has caused operational complications with check valves and isolation valves in the station and forcemain piping. Steuben will attempt to address the issue by dosing its wastewater with an additional chemical additive. Mr. Absolom stated that scale has interfered with station operations and the District has had to replace affected equipment.

Mr. Kaczor inquired about work completed at the Milestrip Pumping Station, including a significant bypass pump setup. Mr. Fiegl replied that this work was to address components that were damaged in part by the scale issue. Mr. Kaczor also inquired about odors in the area. Mr. Fiegl noted that staff have actually perceived the odors recently as originating from local farms or stagnant water in ditches or swampy areas. The wind may have an effect on the presence of odors

and added that District personnel always respond to related complaints when received and test for hydrogen sulfide which would indicate odors originating from the sewer. Recently most times the test results were that hydrogen sulfide was not present.

b. Contract 17 – Rush Creek Interceptor Project

i. Article 78 Legal Challenge

Mr. Fiegl informed the Board that the County is proceeding with its appeal to the April 2015 Court decision which vacated award of Contract 17A to Kandey Company, Inc. for construction of the Rush Creek Interceptor. To accelerate award of this contract, the County successfully moved to expedite its appeal to the Appellate Division's June term. A decision should be received between July 2, 2015 and July 10, 2015.

c. Public Hearing – Modification of Plans (Handout)

The Board reviewed a copy of the meeting minutes from the April 15, 2015 Public Hearing held to extend Authorization for ECSD No. 3 Bond Account C.00012 that expired in May 2015. The Public Hearing is a procedural requirement of County Law. The intended use for Bond Account C.00012 is to fund the Rush Creek Interceptor Project. The remainder will be used, as needed, to complete sewer projects in the ECSD No. 3. There will be no new costs associated with the time extension of Bond Account C.00012. No one was present at the meeting to speak against extending the Authorization.

On a motion by Mr. Millar, seconded by Mr. Kasprzyk, the Board voted to receive and file the above items 5.a., 5.b., and 5.c. The motion carried, 8 – 0.

ITEM NO. 6 – MISCELLANEOUS & INFORMATIONAL ITEMS

a. Operational Report

Mr. Kaminski reported that UNOX reactor numbers 1 and 2 were cleaned as part of the treatment plant's program to annually maintain two of the plant's four reactors. Mr. Kaminski informed the Board that ash hauling will commence when the weather is dry. Preventative maintenance activities will take place on clarifier numbers 3 and 4.

b. Pretreatment Report

Mr. Millar reported that an Industrial Wastewater Discharge Permit was issued to Lake Region Medical, located at 3176 Abbott Road in Orchard Park. This business produces dental tools.

Mr. Millar also reported that Fats, Oil, and Grease (FOG) inspections are currently being performed in Blasdell, Hamburg, Lakeview, and Boston.

c. Construction Report

Contract 54 – Procurement of mercury scrubbers. The delivery date for the scrubbers is September 15th and is currently on schedule.

Contracts 54STP A&D – Incinerator Emission Control Upgrades. Fully endorsed Contracts are expected by the end of the week. Notices to Proceed for both the general and electrical contractors will follow immediately after the contracts have been signed.

Contracts 37 STP A, B & D – Influent Pumping Station at the Southtowns AWTF. The General Contract is approximately 48% complete, the HVAC Contract is approximately 1% complete, and the Electrical Contract is approximately 13% complete. The project as a whole is approximately 40% complete and is currently on schedule.

d. NYSDEC SPDES Permit Compliance Inspection

- i. Ltr. From NYSDEC (Handout)
- ii. DSM Response (Handout)

The Board reviewed a copy of a April 10, 2015 permit compliance inspection letter for Blasdell WWTP and a copy of the DSM's response to the New York State Dept. of Environmental Conservation (DEC). Work has been completed to address the relatively minor items noted in the DEC's letter.

e. Village of Hamburg – Order on Consent

- i. Ltr. from DSM – Request to Close out Order (Handout)
- ii. Ltr. from NYSDEC – Close out of Consent Order (Handout)

The Board reviewed a copy of a letter sent last month from the DSM to the DEC concerning the Village of Hamburg's Consent Order. The letter is essentially an appeal for the DEC to review the DSM's December 2013 request to close out the Village's Consent Order. The request was accompanied by a narrative of all the projects completed to fulfill the terms of the Consent Order. In response, the DEC sent a determination that the requirements of the Order had been met.

Mr. Fiegl stated that this is something the ECSD No. 3 Board should be very proud of. Mr. Witkowski thanked the County on behalf of the Village of Hamburg.

f. Lateral Rehab Interest Letters (Handout)

The Board reviewed a copy of a letter sent from the DSM to residents in the District for the purpose of generating interest in the Division's I/I exchange program. The letter was targeted towards homeowners in areas that are known to have I&I issues.

g. Buffalo News Articles

- i. Towering Piles of lake debris line Woodlawn Beach (Handout)
- ii. Woodlawn Beach, often closed by sewage run off, will benefit from major clean-up project (Handout)
- iii. Work starts to end sewage run off near Woodlawn Beach (Handout)

The Board reviewed several articles published in the Buffalo News during the last two months. Mr. Fiegl stated there are many factors that influence issues at Woodlawn Beach and added that, while the articles were generally positive, some of the information presented was not factually correct.

On a motion by Mr. Nellis, seconded by Mr. Rood the Board voted to receive and file items 6.a. through 6.g. The motion carried, 8 – 0.

ITEM NO. 7 – ADJOURNMENT & NEXT MEETING

On a motion by Mr. Kasprzyk, seconded by Mr. Simmeth, the meeting was adjourned at 8:40 a.m. The motion carried, 8 – 0.

Next meeting is the combined budget meeting, scheduled for Wednesday June 24, 2015 at 8:00 a.m.

Respectfully submitted,



David C. Millar, Secretary
ECSD No. 3 – Board of Managers

DM:jk

Motion to Approve the June 17, 2015 Meeting Minutes

Moved by: _____

Seconded by: _____

App/Disapp: _____

Date: _____

David C. Millar, Secretary
ECSD No. 3 Board of Managers